

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 23 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

**OCT 9 - 2003**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

DENNIS K. DANG  
Junior Party,  
(Patent No. 5,835,897)<sup>1</sup>

v.

JERRY G. SEARE, PATRICIA SMITH-WILSON,  
KURT VANWAGONER, JEAN A. MATTEY,  
EILEEN K. SNYDER, CANDANCE WAHLSTROM,  
MICHELLE WILLIS, and MATTHEW R. BENTLY  
Senior Party  
(Application 09/437,567)<sup>2</sup>

Patent Interference No. 105,073

Before LEE, TIERNEY, and NAGUMO, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment**

<sup>1</sup> Based on Application 08/493,728, filed 06/22/95. The real party in interest is Symmetry Health Data Systems, Inc., a wholly owned subsidiary of Ingenix, Inc.

<sup>2</sup> Filed November 10, 1999. The real party in interest is Ingenix, Inc.

Interference No. 105,073

Dang v. Seare

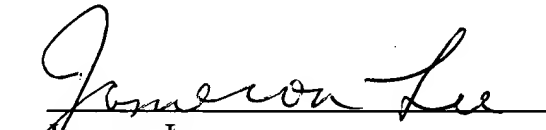
Because Ingenix Inc., has elected that the senior party should prevail in this interference (see Paper Nos. 15 and 17), it is now time appropriate to enter judgment. It is

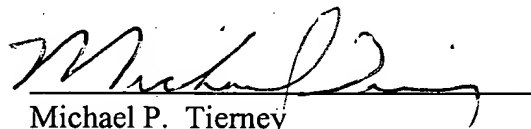
**ORDERED** that judgment as to the subject matter of Count 1 is herein entered against junior party DENNIS K. DANG;

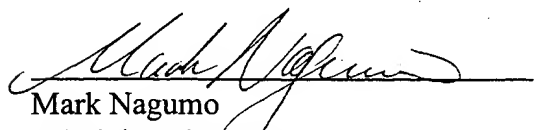
**FURTHER ORDERED** that junior party DENNIS K. DANG is not entitled to its patent claims 1, 3, 5, 11, and 33 which correspond to Count 1;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

**FURTHER ORDERED** that a copy of this judgment be placed in the respective involved application or patent of the parties.

  
Jameson Lee  
Administrative Patent Judge

  
Michael P. Tierney  
Administrative Patent Judge

  
Mark Nagumo  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 105,073

Dang v. Seare

By Facsimile:

Attorney for senior party Seare  
and real party in interest Ingenix, Inc.:

212-310-8007 (Fax)  
Kevin McMahon, Esq.  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

**INTERFERENCE DIGEST**

Interference No. 105,073

Paper No. 19

Name: Jerry G. Seare et al.

Serial No.: 09/437,567

Patent No.

Title: METHOD AND SYSTEM FOR GENERATING STATISTICALLY-BASED  
MEDICAL PROVIDER UTILIZATION PROFILES

Filed: 11/10/99

Interference with Dang

**DECISION ON MOTIONS**

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FINAL DECISION**

Board of Patent Appeals and Interferences, favorable Dated, 10-9-03

\_\_\_\_\_  
Court, \_\_\_\_\_ Dated, \_\_\_\_\_

**REMARKS**

Decision Noted JA 7/14/04  
\_\_\_\_\_  
\_\_\_\_\_

This should be placed in each application or patent involved in interference in addition to the interference letters.